

LOWER PAXTON TOWNSHIP/
BOARD OF SUPERVISORS

Minutes of Board Meeting held February 12, 2008

A workshop meeting of the Board of Supervisors of Lower Paxton Township was called to order at 6:10 p.m. by Chairman William B. Hawk on the above date in the Lower Paxton Township Municipal Center, 425 Prince Street, Harrisburg, Pennsylvania.

Supervisors present in addition to Mr. Hawk were: William C. Seeds, Sr., William L. Hornung, Gary A. Crissman, and David B. Blain.

Also in attendance were George Wolfe, Township Manager; Steve Stine, Township Solicitor; Lori Wissler, Community Development Manager; Paula Leicht, Mette, Evans, and Woodside; Peter Gemora; Robert Brightbill, and Mark Levine.

Brief introduction from Berkheimer Associates regarding EIT collection services

Mr. Hawk explained that due to the inclement weather, the representative from Berkheimer Associates met with the Board members, prior to the start of the meeting, to discuss EIT collection services.

Presentation by Steven Sutnaic, Director of Dauphin County Juvenile Probation
on gang activity and violence

An hour and a half power point presentation was provided by David Christian, Troy Smith, and Chad Libby, members of the Dauphin County Juvenile Probation Office, on gang activity and violence.

Discussion with Helen Billak, representing Ferris, Baker, Watts, Inc.,
regarding the potential to refund certain bonds

This item was removed from the agenda.

Review of Amendment to Residential Retirement Developments proposed
by the zoning ordinance by Union Deposit Properties

Ms. Wissler explained Mr. Zwally attended the January workshop meeting to discuss the rezoning issue for the Union Deposit Properties. At that time, he volunteered to rewrite the zoning ordinance as it pertained to the Residential Retirement (R-R) Zoning District.

Ms. Wissler explained that Mr. Zwally's amendments included increasing the maximum building height to 60 feet in the Industrial District (IN) provided that the minimum yard setback

to the lot line or street right-of-way shall also be increased by five feet for each foot for the building height over 40 feet. She noted that an additional section was added for buffer yards for the IN District requiring a 30-foot buffer when the rear and side lot lines are adjacent to single-family dwellings. She noted that the density requirement was changed from 12 units to 10 units per acre.

Ms. Wissler noted that Paula Leicht from Mette, Evans and Woodside, and Peter Gemora are present to discuss the amendment changes.

Ms. Leicht explained that she was standing in for Mr. Zwally who was unable to attend the meeting. She explained that amendments to the Zoning Ordinance were the result of dialogue held during a meeting held on December 19, 2007, with the adjoining neighbors to the Union Deposit properties located in the Sportsman's Golf course. She noted that the decrease in density and increase in buffer yard requirements were implemented as a result of the neighbors' concerns.

Ms. Leicht requested the Board to advertise the text change for the Zoning Ordinance, and the Zoning Map change, which is a shift south of the Conservation District, elimination of the Agricultural Residential, and moving the Institutional District north in order that the property could be developed in a unified manner. She requested that these changes be submitted to the Township's Planning Commission and the Dauphin County Planning Commission for their comments and review, in order to set a date for a public hearing.

Mr. Hawk noted that to set a date for a hearing would depend on the reviews from the two planning commissions. Mr. Wolfe noted that staff needs Board members comments regarding the proposed change to the Zoning Ordinance. He noted that Ms. Wissler had some additional comments regarding Mr. Zwally's proposed amendments.

Ms. Wissler explained that there is a conflict in the Ordinance in regards to the building height. She noted that Article 307.B.2 states that a building in a Residential Retirement District in the Institutional District is permitted a maximum building height of 70 feet, provided all other setbacks are met. However, a recent change to the residential retirement section states that if the Residential Retirement Development is within the Institutional District, then the maximum building height of 60 feet is permitted, provided it is not closer to a lot line or street right-of-way than the building is tall. She suggested that these two building heights should be made consistent for the 60-foot allowance.

Ms. Leicht questioned if Ms. Wissler was suggesting that the Section 307.B. 2 be changed to a 60-foot requirement. Ms. Wissler answered yes.

Mr. Seeds suggested that the entire ordinance needs to be reviewed, noting that discussion needs to be held concerning the 30-foot landscape buffer. He noted that some of the areas do not require a thirty foot buffer. He noted that the minimum yard setbacks for Section 319. G. 13 and 14 lists the minimum yard setbacks. He noted that they do not require a 30-foot setback. Mr. Wolfe explained that the setbacks are for the 2006 Zoning Ordinance, and not for the amendments which added specific requirements for Residential Retirement housing in the Institutional zone. Mr. Seeds questioned if the 60-foot requirement would be measured between the eve and the ridge. Ms. Leicht noted that there were no proposals to change any definitions.

Mr. Seeds noted that the setbacks are not enough to allow a 30-foot landscaped buffer. Ms. Wissler noted that the setbacks for a nursing home are less than the 30-foot required as a landscaped buffer. Ms. Leicht noted that the setback is co-terminus with the landscape buffer. She explained, if the buffer yard was required to be 30 feet, then it would be co-terminus with the landscape buffer. Mr. Hawk noted that this 30-foot buffer requirement is for any land adjacent to single-family dwellings.

Ms. Leicht noted that where the use is single-family dwellings in the Union Deposit Properties, it would require, on its own property, a 30-foot buffer yard that must be landscaped. She explained that the Township has certain requirements for landscaping in a buffer yard. She noted that where the use on the Union Deposit Properties is other than single-family dwellings, there would be a 60-foot buffer yard requirement. Mr. Seeds questioned if this was in addition to the setbacks. Ms. Leicht explained that it was co-terminus with the setbacks, and noted that Section 803.D.2 states that a required yard setback may overlap a required buffer yard. She explained if the setback is 15 feet, and the buffer yard is 30 feet, then the developer would be required to have 30 feet of landscaped buffer. Mr. Seeds questioned what would the total be. Ms. Leicht noted that the total buffer and setback would be 30 feet. Mr. Stine noted that it would require 30 feet of screen, not just setback. Ms. Leicht noted that the proposed amendment would amend that section of the Ordinance as an additional section for that article. Mr. Stine noted that most people would move the building away from the buffer and not build right against the buffer.

Ms. Leicht quoted from the Zoning Ordinance, *“the buffer yard shall be a landscaped area, free of structures, dumpsters, commercial or industrial storage, etc., and vehicle parking.”* She noted that a fence would be permitted in that area. She noted that Section 803 defines the different kinds of plants that could be put in that area. She noted that *“plants must form to create a visual screen shall be of such specie, spacing and size as can reasonable be expected to produce*

within three years, a mostly solid year-round visual screen at least six feet in height.” She noted that the screen would need to be approved by the Shade Tree Commission.

Mr. Hawk questioned if Ms. Wissler was in agreement with the requested amendment change. Ms. Wissler answered that she was. Mr. Wolfe noted that it would be in addition to the changes proposed by Ms. Wissler. Mr. Wolfe noted that if the Board is in agreement to the changes, staff would begin the process for the map and text amendment changes. Mr. Seeds noted that it would be an improvement over what is currently in the text.

Mr. Hawk noted that the public hearing would be determined by the time it would take to receive comments from both the Township and Dauphin County Planning Commissions, and to advertise the amendment changes for the public hearing.

Discussion with Robert Brightbill on the proposed rezoning of the Lakeside Marina property north of Jonestown Road at Carolyn Street

Ms. Wissler noted that staff prepared an amendment to rezone all of Mr. Brightbill's property, the Lakeside Marina, that is made up of six parcels. She noted that the Dauphin County Planning Commission (DCPC) did not agree with staff, noting that they wanted two parcels east of Fenway Drive to be rezoned to Commercial, and the remainder of the property to be re-zoned R-2. She explained that the Lower Paxton Township Planning Commission recommended rezoning the entire area Commercial General, except for parcels 35-43-47 and 35-43-17 which should remain R-1.

Ms. Wissler explained that Mr. Brightbill was unable to attend the Planning Commission meeting and requested to speak directly to the Board members regarding this issue.

Mr. Seeds questioned what the land was zoned, prior to the rezoning. Ms. Wissler answered that the entire tract was Commercial, noting that the old zoning map had a floodplain laid over it, which made it very hard to read the map.

Mr. Robert Brightbill, 149 Friar Road, explained that the Brightbill Family has lived in Lower Paxton Township since the 1930's. He noted that his family developed the Ridgeview and Pleasant View developments, and a Township Park was named after the family. He explained that his father served as a Board member for many years. He noted that the fifth generation of the family is living in the family homestead, and the Lakeside Marina is celebrating 50 years of business. He explained that his daughter and son-in-law manage the business.

Mr. Brightbill noted that he was surprised to find that his property was rezoned R-1 after it had been commercial for all those years.

Mr. Brightbill brought an aerial photograph of the business, noting that the Township's Planning Commission has designated that all land south of Fenway Drive be zoned Commercial, and the land east of the business be zoned R-1. He requested to have the land rezoned back to its original commercial zoning, since a fair portion of the land is used for the business. He noted that the large field is not used for anything at this time, but, possibly, sometime in the future, the land could be used for an expansion of the business.

Mr. Seeds noted that DCPC recommended the consolidation of some of the properties. Mr. Brightbill noted that he was surprised to find that their recommendation was to rezone some of the land to R-2. Mr. Seeds noted that the rezoning to R-2 was for parcels 35-43-47 and 35-43-17. He suggested that parcel 35-42-17 is landlocked. Mr. Brightbill noted that the little house near that parcel is the home that he was born in, and eventually, his grandparents moved into that home. He noted that parcel 35-42-17 is a wooded area behind that home. He noted that his Aunt and Uncle, who owned the Strohm property along Route 22, separated the lot from the original deed in case there was a need to build another home for the grandparents. He noted that the northern portion borders the apartments, and if it was rezoned to R-1, the property would become an island. He noted that it is landlocked in that the road that accesses the little house is Fenway Drive. He suggested that it would be hard to sell the parcel as there is no access to it.

Mr. Seeds noted that DCPC also suggested joining parcels 35-43-23 and 35-43-39. Mr. Brightbill noted that the actual business is located on parcel 35-43-23. He noted that his house is located on parcel 35-43-39. He explained that the entire area has always been zoned commercial. Mr. Seeds questioned if Mr. Brightbill wanted to have the two parcels joined. Mr. Brightbill stated that he did not want to combine the two parcels. He noted that he did not know why anyone would suggest this.

Mr. Brightbill noted that the only access to the large field is through his driveway. He noted that he is not about to have his driveway turn into a street to access the large field. He noted that if he wanted to combine lots, at a later date, he could request that it be done then.

Mr. Stine suggested that the issue for Mr. Brightbill is if the land remains R-1, and is a pre-existing non-conforming use, his expansion would be limited since he cannot expand on the land that are not currently devoted to the business, therefore his expansion would stop.

Mr. Brightbill explained that he has no plans to do anything at this time, but since many of the Townships are becoming very restrictive in how people can park their boats and RV's, there may be a need to build an indoor winter storage facility for boats. He noted that he has

received numerous requests for in-door winter storage, and this could be an option for future expansion. He suggested that he could build a warehouse to store winter items on that land.

Mr. Seeds noted that Mr. Brightbill stated that he would install a buffer if he ever built anything in that field. Mr. Brightbill noted that there exists a natural wooded buffer on the apartment's property. He noted that he owns two sides of the land around the large field, and the other two sides are owned by the apartment complex.

Mr. Seeds noted that there were people in opposition to the rezoning that attended the Planning Commission meeting. Ms. Wissler explained that they had concerns for future development. Mr. Seeds questioned where these people lived. Ms. Wissler answered that they lived on Suffolk Road. Mr. Seeds noted that Mr. Brightbill does not own the land adjacent to their properties. Ms. Wissler explained that she tried to explain this to the property owners. Mr. Seeds questioned what the apartment complex property was zoned. Ms. Wissler answered that it was zoned R-1. Mr. Brightbill suggested that no one could build on those strips of land that border the apartment complex since they are very narrow.

Mr. Brightbill noted that a stream is located between Fenway Drive and the field. He suggested that the area would be designated wetland and not able to be developed. Ms. Wissler showed a map displaying the wetlands. Mr. Brightbill noted that he had no intentions to extend Suffolk Road as it would run into his private driveway.

Mr. Seeds noted that normally he likes the recommendations from DCPC, but in this case, it does not make sense. Ms. Wissler agreed.

Mr. Wolfe noted that staff is looking for direction from the Board as to how to proceed with this request. Mr. Hawk noted that Mr. Brightbill would like to have all the land rezoned to Commercial General. He noted that DCPC recommended that parcels 34-43-47 and 35-43-17 be zoned R-2. Ms. Wissler noted that it is staff's recommendation to rezone all the land to Commercial General. Mr. Hornung stated that he agreed. Mr. Hawk and Mr. Crissman agreed too.

Mr. Hornung noted that he had a concern that, 20 years from now, if Mr. Brightbill's family chooses to sell the land and demolished Hoffman Ford's property that fronts Route 22, it would be a large commercial area that could be used to build something such as a Wal-Mart or Wegmans. He suggested that with the lake and stream it probably would not be a good use, since there would be a need to mitigate a lot of wetlands. Mr. Hawk noted that DCPC's recommendations make no sense at all.

Mr. Wolfe noted that he would process the amendment as requested by Mr. Brightbill.

Mr. Brightbill questioned what time frame would this occur within. He noted that he would be out of town for a couple of months, and could be present for the public hearing or have his daughter attend the public hearing. Mr. Hawk questioned when Mr. Brightbill would return to the area. Mr. Brightbill answered that he planned to return April 16, 2008. It was decided to set the public hearing for the first meeting in May.

Discussion with Mark DiSanto, representing Triple Crown Corporation, regarding
the rezoning designation of property at the northeast corner of
Parkway East and Linglestown Road

This item was removed from the agenda at the request of the applicant.

'Otta Know' Presentation: (No items scheduled)

Public Comment

Mr. Mark Levine noted at the November 20, 2007 business meeting, the Board made amendments to the zoning ordinance. He distributed copies of proposed changes to the Township Zoning Ordinance. Mr. Hawk questioned if he needed to discuss these proposed changes now. Mr. Levine answered that he would like to be scheduled for the March Workshop agenda to discuss these changes.

Mr. Levine noted that these are not all the changes proposed by Stray Winds Area Neighbors, (SWAN), but it is a start.

Adjournment

There being no further business, Mr. Blain made a motion to adjourn the meeting. Mr. Crissman seconded the motion, and the meeting adjourned at 8:20 p.m.

Respectfully submitted,

Maureen Heberle
Recording Secretary

Approved by,

Gary A. Crissman
Township Secretary